

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ALL STATES ASPHALT, INC. and
NEW ENGLAND EMULSIONS CORP.,
Plaintiff(s)

v.

FIREMAN'S FUND INSURANCE COMPANY,
Defendant(s)

Civil Action No. 05-30022-1126

FILED
IN CLERK'S OFFICE
JAN 28 2005
U.S. DISTRICT COURT
DISTRICT OF MASS.

NOTIFICATION

This case has been assigned to Magistrate Judge Kenneth P. Neiman for all purposes. This form must be executed and returned to the Clerk of Court, Springfield, Massachusetts, within twenty (20) days of receipt. Please read the reverse side for further information.

CONSENT TO PROCEED BEFORE A U.S. MAGISTRATE JUDGE

In accordance with 28 U.S.C. § 636(c) and Rule 73(b) of the Federal Rules of Civil Procedure, the undersigned counsel of record consents to have Magistrate Judge Kenneth P. Neiman conduct all further proceedings in this case, including bench or jury trial, and order the entry of final judgment, with direct review by the First Circuit Court of Appeals if any appeal is filed.

Signed and dated this 31st day of January, 2005.

Paul G. Kothriebel
Attorney for Plaintiffs

John W. Smyth
Attorney for Defendant

MAGISTRATE JUDGES DO NOT CONDUCT TRIALS IN FELONY CASES. ACCORDINGLY, MAJOR CRIMINAL CASES WILL NOT INTERFERE WITH SCHEDULING AND TRIALS BEFORE MAGISTRATE JUDGES. IN ALL LIKELIHOOD, THEREFORE, A CONSENT WILL MEAN THAT THIS CIVIL CASE WILL BE RESOLVED SOONER AND MORE INEXPENSIVELY.

REFUSAL TO CONSENT TO PROCEED BEFORE A U.S. MAGISTRATE JUDGE

In the event that you are unwilling to consent, sign below.

Signed and dated this _____ day of _____, 20____.

Attorney for

Attorney for

2